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EXAMINER

DUONG, OANH L

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/611,486

Applicant(s)

CLINTON ET AL.

Examiner

Oanh Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-48 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9, 12-13, 16-22, 24, 27-33, 35, 38-41, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tindal et al.** (hereafter, **Tindal**), U.S. Pub. No. 2002/0069271 A1, in view of Richardson, US 2002/0054169 A1.

Regarding claim 1, **Tindal** teaches a system for administering the health of a network device (i.e., monitor the overall health of individual network devices 135, Fig. 2 page 4 paragraph [0039]) comprising:

a provider subsystem (i.e., network manager unit 140, Fig. 2) for providing services relating to network device health status, wherein the services include acquiring health status information of a network device (i.e., *network manager 140 includes a health manager actively polls at least some of the network devices about their status*, page 4 paragraph [0039]);

a health engine subsystem (i.e., Health Manager 108, Fig. 3) for processing the health status information acquired by the provider subsystem and rendering health

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status notifications (i.e., *health manager 180 can collect individual device information and publish message regarding network device problems*, page 4 paragraph [0039]).

**Tindal** does not explicitly teach a provider subsystem includes multiple provider modules for each acquiring the health of status information for different aspects of personal computer health; and a client user interface subsystem for reporting personal computer health status to a user on a per computer basis and in accordance with the health status notifications.

**Richardson** teaches system and method wherein health status and cause of health problems associated with network object(s) is determined (abstract). Richardson teaches a provider subsystem includes multiple provider modules for each acquiring the health of status information for different aspects of personal computer health (i.e., *determining the health status of each health characteristic of a network object or device*, page 5 paragraph [0051]); and a client user interface subsystem for reporting personal computer health status to a user on a per computer basis and in accordance with the health status notifications (page 6 paragraph [0059]: *Richardson discloses displayed within GUI 300 are various health characteristics of a network device (i.e., personal computer or workstation)*).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Tindal to include a provider subsystem includes multiple provider modules for each acquiring the health of status information for different aspects of personal computer health; and a client user interface subsystem for reporting personal computer health status to a user on a per computer basis and in

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accordance with the health status notifications as taught by Richardson. One would be motivated to do so to allow health problems associated with a network device to be quickly displayed and corrected (Richardson, page 3 paragraph [0019]).

Regarding claim 2, **Tindal** teaches the system of claim 1 further comprising a provider interface for passing an instruction for corrective action from the health engine subsystem to a consumer of corrective actions (i.e., *determine the appropriate course of action to take for the particular message and the action manager can implement that response*, page 4 paragraph [0039]).

Regarding claim 3, **Tindal** teaches the system of claim 2 wherein the consumer (i.e., action manager 185, Fig. 3) of corrective actions is a provider service within the provider subsystem (i.e., *health manager 180 can publish messages regarding network device problems. The policy manager 170 can then determine the appropriate course of action to take for the particular message, and the action manager 185 can implement that response*, 4 paragraphs [0035] and [0039]).

Regarding claim 4, **Tindal** teaches the system of claim 2 wherein the health engine subsystem (health manager 180, Fig. 3) comprises task execution coordination logic for enforcing mutual exclusion rules regarding execution of tasks by the consumer of corrective actions (i.e., *health manager 180 can publish messages regarding network device problems. The policy manager 170 can then determine the appropriate course of*

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*action to take for the particular message, and the action manager 185 can implement that response, 4 paragraphs [0035] and [0039]).*

Regarding claim 5, **Tindal** teaches the system of claim 2 wherein the health engine subsystem comprises rules logic for specifying the instruction for corrective action (page 4 paragraphs [0035] and [0039]).

Regarding claim 6, **Tindal** teaches the system of claim 5 wherein the health engine subsystem specifies the instruction for corrective action automatically based upon the rules logic (page 4 paragraphs [0035] and [0039]).

Regarding claim 7, **Tindal** teaches the system of claim 5 wherein the rules logic specifies an action based upon health status information originating from multiple providers (i.e., network devices 125) within the provider subsystem (page 4 paragraph [0035] and [0039]).

Regarding claim 9, **Tindal** teaches the system of claim 1 wherein the health engine subsystem comprises a health status information store for maintaining records corresponding to the health status information (page 4 paragraphs [0042]-[0043] and page 5 paragraph [0050]).

Regarding claim 12, **Tindal** teaches the system of claim 1.

Tindal does not teach the provider subsystem includes a backup health status provider module.

Jahn teaches the provider subsystem includes a backup health status provider module (page 4 paragraph [0069]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the backup module as taught by Jahn into the system of Tindal because such backup module would allow data backup and restoring incase of a system crash or mistake (Jahn, page 4 paragraph [0069], lines 3-4).

Regarding claim 13, Tindal teaches the system of claim 1.

Tindal does not explicitly teach the provider subsystem includes a performance provider module.

Jahn teaches he provider subsystem includes a performance provider module (i.e., vulnerability tutorials, page 3 paragraph [0060]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the performance provider module as taught by Jahn into the teachings of Tindal because such a performance provider module would provide support staff valuable formation needed to understand, obtain program patches, and remediate the problems quickly and correctly (Jahn, page 3 paragraph [0060] lines 5-7).

Regarding claim 16, this claim does not define or comprise any new limitation above claim 1, discussed above, same rationale of rejection is applicable.

Regarding claim 17, **Tindal** teaches the method of claim 16 further comprising the step of: passing, by a provider interface, an instruction for corrective action from the health engine subsystem to a consumer of corrective actions (i.e., *determine the appropriate course of action to take for the particular message and the action manager can implement that response*, page 4 paragraph [0039]).

Regarding claim 18, **Tindal** teaches method of claim 17 wherein the consumer of corrective actions is a provider service within the provider subsystem (i.e., *health manager 180 can publish messages regarding network device problems. The policy manager 170 can then determine the appropriate course of action to take for the particular message, and the action manager 185 can implement that response*, 4 paragraphs [0035] and [0039]).

Regarding claim 19, **Tindal** teaches the method of claim 17 further comprising the step of: enforcing, by task execution coordination logic, mutual exclusion rules regarding execution of tasks by the consumer of corrective actions (i.e., *health manager 180 can publish messages regarding network device problems. The policy manager 170 can then determine the appropriate course of action to take for the particular message, and the action manager 185 can implement that response*, 4



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paragraphs [0035] and [0039]).

Regarding claim 20, **Tindal** teaches the method of claim 17 further comprising the step of: specifying, by rules logic, the instruction for corrective action (page 4 paragraphs [0035] and [0039]).

Regarding claim 21, **Tindal** teaches the method of claim 20 wherein the specifying step is performed automatically based upon the rules logic (page 4 paragraphs [0035] and [0039]).

Regarding claim 22, **Tindal** teaches the method of claim 20 wherein the specifying step is performed based upon health status information originating from multiple providers within the provider subsystem (i.e., network devices 125) within the provider subsystem (page 4 paragraph [0035] and [0039]).

Regarding claim 24, **Tindal** teaches the method of claim 16 further comprising the step of: maintaining, by a health status information store of the health engine subsystem, records corresponding to the health status information page 4 paragraphs [0042]-[0043] and page 5 paragraph [0050]).

Regarding claim 27, this claim is the computer-readable medium including computer-executable instructions for administering the health of a personal computer,

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the computer-executable instructions facilitating performing the corresponding method of claim 16, discussed above, same rationale of rejection is applicable.

Regarding claim 28, this claim comprises the computer-readable medium of comprising computer-executable instructions and is substantially the same as method of claim 17, same rationale of rejection is applicable.

Regarding claim 29, this claim comprises computer-readable medium and is substantially the same as method of claim 18, same rationale of rejection is applicable.

Regarding claim 30, this claim comprises the computer-readable medium corresponding to the method claim 19, same rationale of rejection is applicable.

Regarding claim 31, this claim comprises the computer-readable medium corresponding to the method claim 20, same rationale of rejection is applicable.

Regarding claim 32, this claim comprises the computer-readable medium corresponding to the method claim 21, same rationale of rejection is applicable.

Regarding claim 33, this claim comprises the computer-readable medium corresponding to the method claim 22, same rationale of rejection is applicable.

Regarding claim 35, this claim comprises the computer-readable medium corresponding to the method claim 24, same rationale of rejection is applicable.

Regarding claim 38, this claim is the system comprising means for performing the corresponding method claim 16, discussed above, same rationale of rejection is applicable.

Regarding claim 39, this claim is the system comprising means for performing the corresponding method claim 17, discussed above, same rationale of rejection is applicable.

Regarding claim 40, this claim is the system comprising means for performing the corresponding method claim 18, discussed above, same rationale of rejection is applicable.

Regarding claim 41, this claim is the system comprising means for performing the corresponding method claim 19, discussed above, same rationale of rejection is applicable.

Regarding claim 43, this claim is the system comprising means for performing the corresponding method claim 24, discussed above, same rationale of rejection is applicable.

Regarding claim 48, Tindal-Richardson-Srivastava teaches a method as recited in claim 16, further comprising invoking, by the health engine subsystem, an automatic corrective action to a detected problem, without the user's request for the corrective action ((page 4 paragraphs [0035] and [0039])).

4. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tindal et al.** (hereafter, Tindal), U.S. Pub. No. 2002/0069271 A1, in view of Richardson, US 2002/0054169 A1, and further in view of Jahn, Us 2004/0019803 A1.

Regarding claim 10, **Tindal** teaches the system of claim 1.

**Tindal and Richardson** does not explicitly teach the provider subsystem includes a security health status provider module.

**Jahn** teaches the provider subsystem includes a security health status provider module (i.e., security health metrics reporter, Fig. 4, page 4 paragraph [0056]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Tindal and Richardson to include a security health status provider module as taught by Jahn. One would be motivated to do so to allow the ability to remediate vulnerabilities to be facilitated by assisting system support areas with the ability to quickly find and identify their areas of concern (**Jahn**, page 3 paragraph [0031] lines 1-3).

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5. Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tindal** et al. (hereafter, **Tindal**), U.S. Pub. No. 2002/0069271 A1, in view of Richardson, Jahn, and **Fabrizi**

Regarding claim 14, **Tindal** teaches the system of claim 1.

**Tindal** does not explicitly teach the client user interface subsystem supports a user interface providing a health status score and a user selectable corrective action returned to the health engine subsystem.

**Jahn** teaches the client user interface subsystem supports a user interface providing a health status score (Fig. 5 page 3 paragraph [0057]).

**Fabrizi** teaches a user selectable corrective action returned to the subsystem (pages 9-10 paragraph 82).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a user selectable corrective action returned to the subsystem as taught by **Fabrizi** into the combination of teachings of **Tindal** and **Jahn**. One would be motivated to do so to reduce errors in the process of defining high availability data processing environment for an existing data processing system (**Fabrizi**, page 1 paragraph [0008]).

Regarding claim 25, **Tindal** teaches the method of claim 16.

The combination of teachings of **Tindal** and **Richardson** does not explicitly teach providing a health status score and a user selectable corrective action returned to the health engine subsystem.

**Jahn** teaches providing, by a user interface of the client user interface subsystem, a health status score (Fig. 5 page 3 paragraph [0057]).

**Fabrizi** teaches a user selectable corrective action returned to the subsystem (pages 9-10 paragraph 82).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a user selectable corrective action returned to the subsystem as taught by **Fabrizi** into the combination of teachings of **Tindal**, **Richardson**, and **Jahn**. One would be motivated to do so to reduce errors in the process of defining high availability data processing environment for an existing data processing system (Fabrizi, page 1 paragraph [0008]).

6. Claims 8, 23, 34, 36, 42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tindal**, in view of **Richardson**, and further in view of **Fabrizi** et al. (hereafter, **Fabrizi**), U.S. Pub. No. 2004/0153748 A1.

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Regarding claim 8, **Tindal** teaches the system of claim 1.

the combination of teachings of **Tindal** and **Richardson** does not explicitly teaches a client interface for receiving a request for corrective action from the client user interface subsystem.

**Fabrizi** teaches configuration data processing system wherein some of the identified actions are automatically implemented (see abstract). **Fabrizi** teaches client interface (i.e. GUI 313, Fig. 3) for receiving a request for corrective action from the client user interface subsystem (pages 9-10 paragraph 82).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the client interface for receiving a request for corrective action from the client user interface system as taught by **Fabrizi** into the combination of teachings of **Tindal and Richardson**. One would be motivated to do so to reduce errors in the process of defining high availability data processing environment for an existing data processing system (**Fabrizi**, page 1 paragraph [0008]).

Regarding claim 23, **Tindal** teaches the method of claim 16.

the combination of teachings of **Tindal and Richardson** does not explicitly teaches receiving, by a client interface a request for corrective action from the client user interface subsystem.

**Fabrizi** teaches configuration data processing system wherein some of the identified actions are automatically implemented (see abstract). **Fabrizi** teaches receiving, by client interface (i.e. GUI 313, Fig. 3) a request for corrective action from the client user interface subsystem (pages 9-10 paragraph 82).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the step of receiving a request for corrective action from the client user interface system as taught by **Fabrizi** into the combination of

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teachings of **Tindal and Richardson**. One would be motivated to do so to reduce errors in the process of defining high availability data processing environment for an existing data processing system (**Fabrizi**, page 1 paragraph [0008]).

Regarding claim 34, this claim comprises the computer-readable medium corresponding to the method claim 23, same rationale of rejection is applicable.

Regarding claim 36, this claim comprises the computer-readable medium corresponding to the method claim 25, same rationale of rejection is applicable.

Regarding claim 42, this claim is the system comprising means for performing the corresponding method claim 23, discussed above, same rationale of rejection is applicable.

Regarding claim 44, this claim is the system comprising means for performing the corresponding method claim 25, discussed above, same rationale of rejection is applicable.

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7. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tindal**, in view of **Richardson**, and further in view of **Feng et al.** (hereafter, **Feng**), U.S. Pub. No. **2004/0083243 A1**.



Regarding claim 11, **Tindal** teaches the system of claim 1, wherein the provider subsystem includes health status provider module (i.e., Health manager 180, Fig. 3 page 4 paragraph [0039]).

The combination of **Tindal** and **Jahn** does not explicitly teach privacy service.

**Feng** teaches system and method wherein privacy is provided (see abstract). **Feng** teach privacy service (page 3 paragraphs [0056]-[0061]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the privacy service as taught by **Feng** in the combination of teachings of **Tindal** and **Richardson** because such privacy service would allow the user to control over his/her privacy relationship, thereby enhancing trust between service provider and users (**Feng**, page 1 paragraph [0013]).

Regarding claim 14, **Tindal** teaches the system of claim 1.

**Tindal** does not explicitly teach the client user interface subsystem supports a user interface providing a health status score and a user selectable corrective action returned to the health engine subsystem.

**Jahn** teaches the client user interface subsystem supports a user interface providing a health status score (Fig. 5 page 3 paragraph [0057]).

**Fabrizi** teaches a user selectable corrective action returned to the subsystem (pages 9-10 paragraph 82).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a user selectable corrective action returned to the subsystem as taught by **Fabrizi** into the combination of teachings of **Tindal and Jahn**. One would be motivated to do so to reduce errors in the process of defining high availability data processing environment for an existing data processing system (Fabrizi, page 1 paragraph [0008]).

8. Claims 15, 26, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tindal**, in view of **Jahn**, and further in view of **Mellquist et al.** (hereafter, Mellquist), U.S. Patent No. **7,002,921 B2**.

Regarding claim 15, **Tindal** teaches the system of claim 1.

the combination of teachings of **Tindal and Jahn** does not explicitly teach an interface supporting an extensible set of providers within the provider subsystem.

**Mellquist** teaches a system wherein a sub page including active elements is provided such that when activated initiate a course of action to address the detection of the network problem (see abstract). **Mellquist** teaches an interface supporting an extensible set of providers within the provider subsystem (col. 6 lines 1-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate an interface supporting an extensible set of providers within the provider subsystem as taught by **Mellquist** into the combination of teachings of **Tindal and Jahn**. One would be motivated to do so to allow network appliance/server

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to be added to the network without replacing or updating the network management system (**Mellquist**, col. 6 lines 16-18).

Regarding claim 26, **Tindal** teaches the method of claim 16.

the combination of teachings of **Tindal and Jahn** does not explicitly teach supporting, by an interface of the health engine subsystem, an extensible set of providers within the provider subsystem.

**Mellquist** teaches a system wherein a sub page including active elements is provided such that when activated initiate a course of action to address the detection of the network problem (see abstract). **Mellquist** teaches interface supporting an extensible set of providers within the provider subsystem (col. 6 lines 1-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate an interface supporting an extensible set of providers within the provider subsystem as taught by **Mellquist** into the combination of teachings of **Tindal and Jahn**. One would be motivated to do so to allow network appliance/server to be added to the network without replacing or updating the network management system (**Mellquist**, col. 6 lines 16-18).

Regarding claim 37, this claim comprises the computer-readable medium corresponding to the method claim 26, same rationale of rejection is applicable.

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9. Claims 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tindal**, in view of Richardson, and further in view of Srivastava et al. (hereafter, Srivastava), US 2003/0221002 A1.

Regarding claim 45, Tindal teaches a method as recited in claim 16.

The combination of Tindal and Richardson does not explicitly teach a comparison of current performance with past performance of the same personal computer.

Srivastava teaches a health monitor system wherein the health of the server it resides on is monitored (abstract). Srivastava teaches a comparison of current performance with past performance of the same personal computer (page 3 paragraph [0026]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Tindal and Richardson to include a comparison of current performance with past performance of the same personal computer as taught by Srivastava. One would be motivated to do so to efficiently monitor the health of a server while minimizing the strain on server processing resources (Srivastava, page 1 paragraph [0012]).

Regarding claim 47, Tindal teaches a method as recited in claim 17, further comprising coordinating by the health engine subsystem, corrective actions with a current status use status of the personal computer (page 4 paragraphs [0035] and [0039]).

10. Claim 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tindal**, in view of Richardson, and further in view of Cummins, US 2006/0156407 A1.

Regarding claim 46, Tindal teaches a method as recited in claim 16.

The combination of teachings of Tindal and Richardson does not explicitly teach reporting the personal health status to a user further includes providing a comparison with a health status of at least one other computer in a network.

Cummins teaches method and system wherein the security risk associated with a computer system is quantified (abstract). Cummins teaches providing a comparison with a health status of at least one other computer in a network (Fig. 6 page 1 paragraphs [0007] and [0018] and page 6 paragraphs [0063]-[0064]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Tindal and Richardson to provide a comparison with a health status of at least one other computer in a network as taught by Cummins. One would be motivated to do so to enable a prioritized vulnerability list to be created (Cummins, page 1 paragraph [0007]).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.D

October 11, 2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER